

REMARKS

Initially, in the Office Action dated June 10, 2003, the Examiner rejects claims 1 and 3 under 35 U.S.C. §103(a) as being unpatentable over UK Patent Application No. 2,316,837 (Giel et al.) in view of UK Patent Application No. 2,308,939 (Jung). Claim 2 has been rejected under 35 USC §103(a) as being unpatentable over Giel et al. in view of Jung and U.S. Patent No. 6,215,993 (Ulveland). Claims 4-7 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Giel in view of Jung and European Patent Application No. 647,037 (Nagai).

By this Amendment, new claims 10-14 are added. Claims 1-7 and 10-13 remain pending in this application.

35 U.S.C. §103 Rejections

Claims 1 and 3 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Giel et al. in view of Jung. Applicant respectfully traverses this rejection.

Giel et al. discloses a communication device such as a battery powered radiotelephone that includes a display blanking facility. The communication device includes a clock operated blinking timer. When the blinking timer elapses, the communication device blanks the display a predetermined time after the last keypress of a keypad. A switch associated with a set of grips attached to the sides of the communication device, detects when the communication device is being gripped in a user's hand. In response to this detection, the communication device maintains supply of operating power to the display, overriding the blanking timer.

When a user is holding the communication device adjacent to the user's head, an earpiece sensor provides an indication of this condition and in response to the indication, the display is immediately blanked to conserve operating power in the battery.

Jung discloses a keypad illumination circuit for a portable telephone where a flip-type portable telephone includes means to turn keypad illumination on or off in response to the open or close position of the flip. There is no delay in turning the illumination off, thus saving power. The flip position sensing means includes a switch mounted in the body of the telephone operated by a magnet mounted to the flip.

Regarding claim 1, Applicant submits that neither Giel et al. nor Jung, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of this claim of, inter alia, a radiotelephone handset that includes means for lighting the display and keyboard to an extent limited by the position of the cover. Giel et al. discloses that the lighting of the display and the lighting of the keypad are switched on and off together, consequently, the extent of lighting of the display and keyboard is not limited. Furthermore, in Geil et al., the lighting of the display and keypad is controlled by a timer. This is not means for lighting the display and keypad to an extent limited by the position of the cover, as recited in the claims of the present application. The Examiner admits that Giel et al. does not teach lighting a keypad using the position of the cover but asserts that Jung discloses this limitation. However, Jung discloses a flip-type portable telephone in

which only the keypad is illuminated. Jung does not disclose or suggest a display being illuminated. Further, Jung discloses either the keypad being completely illuminated when the flip is in the open position, or the keypad being completely un-illuminated when the flip is in the closed position. The Examiner asserts that Jung teaches a lighting keypad to an extent limited by the position of a cover at page 1, lines 12-15 and page 2, lines 6-9. However, these portions of Jung merely disclose that the cellular telephone includes a plurality of panel lamps mounted under a keypad for convenience of using the keypad at night time, and that the cellular telephone is a flip-type for turning the panel lamps on and off in response to an open/closed status of a flip. Jung does not disclose or suggest means for lighting a display to an extent limited by the position of the cover or means for lighting the keypad to an extent limited by the position of the cover, as recited in the claims of the present application.

Moreover, Applicant submits that there would be no motivation for one skilled in the relevant art to combine Giel et al. with Jung in an attempt to achieve the claimed invention. Giel et al. is concerned with inhibiting display blanking and discloses the use of a movement of a cover for starting the timer that inhibits this blanking. Jung relates to a device in which there is no delay in turning the illumination off and therefore provides an alternative way of controlling the illumination. The combination of Giel et al. and Jung merely results in both the lights for the keypad and the lights for the display being switched off when the flip is closed

and being switched on when the flip is open. Therefore, the combination of Jung and Giel et al. fail to achieve the limitations in the claims of the present application.

Regarding claim 3, Applicant submits that this claim is dependent on independent claim 1 and, therefore, is patentable at least for the same reasons noted regarding this independent claim.

Accordingly, Applicant submits that neither Giel et al. nor Jung, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 1 and 3 of the present application. Applicant respectfully requests that this rejection be withdrawn and that these claims be allowed.

Claim 2 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Giel et al. in view of Ulveland. Applicant respectfully traverses this rejection.

Ulveland discloses a mobile phone with a movable cover that allows a user to preview caller ID information on a display that is normally concealed by the cover. A user can open the cover to a preview position without accepting the call and then to a fully open position to accept the call after the caller ID information has been previewed. The phone delays accepting the incoming call after the cover is opened to give the user time to preview the caller ID and decide whether to answer the call.

Applicant submits that claim 2 is dependent on independent claim 1 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim. Applicant submits that Ulveland does not overcome the substantial defects noted previously regarding Giel et al. and Jung. Accordingly,

Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of claim 2 of the present application. Applicant respectfully requests that this rejection be withdrawn and that this claim be allowed.

Claims 4-7 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Giel et al. in view of Jung and Nagai. Applicant respectfully traverses these rejections.

Nagai discloses a portable radio apparatus that includes a first housing body having at least a key operation pad with a plurality of keys and a second housing body connected to the first housing body in such a manner that they are freely opened and closed with each other. The key operation pad of the first housing body is covered with the second housing body, when necessary. The second housing body is provided with an opening or a push button so that at least one key is operable in a state in which the first and second housing bodies are closed.

Regarding claim 7, Applicant submits that neither Giel et al., Jung nor Nagai, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of this claim of, inter alia, controlling the radiotelephone handset wherein the user input interface lighting is activated only for portions of the user input interface which are not hidden by the cover as determined by a detected estimate of the position of the cover. As noted previously, Jung discloses a keypad either being completely illuminated or completely not illuminated. Further, as noted previously, Giel et al. fails to disclose or suggest this limitation in the claims of the

present application. Nagai merely relates to a housing body being provided with an opening or a push button so that at least one key is operable in a state in which the both housing bodies are closed. None of the cited references disclose or suggest a user input interface lighting being activated only for portions of the user input interface which are not hidden by the cover as determined by a detected estimate of the position of the cover, as recited in the claims of the present application.

Regarding claims 4-6, Applicant submits that these claims are dependent on independent claim 1 and, therefore, are patentable at least for the same reasons noted regarding this independent claim. Applicant submits that Nagai does not overcome the substantial defects noted previously regarding Giel et al. and Jung.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious, the limitations in the combination of each of claims 4-7 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

In view of the foregoing amendments and remarks, Applicant submits that claims 1-7 and 10-14 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

New Claims

Applicant has submitted new claims 10-14 for consideration by the Examiner and asserts that these claims do not contain any prohibited new matter and are patentable over the cited references.

Regarding claims 10 and 11, Applicant submits that neither Giel et al., Jung, Ulveland nor Nagai, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of these claims of, inter alia, lighting means for lighting and displaying the keyboard, in dependence upon the position of the cover, wherein the keypad is at a first position, the lighting means is operable to illuminate a first portion of the keyboard and the display while a second portion of the keyboard remains without illumination, and when the cover is in a second position, the lighting means is operable to illuminate the first and second portions of the keypad and display. As noted previously, none of the cited references relate to a portion of a keypad or user interface being lighted based on the position of a cover.

Regarding claims 12-14, Applicant submits that these claims are dependent on independent claim 11 and, therefore, are patentable at least for the same reasons noted previously regarding this independent claim.

Accordingly, Applicant respectfully requests that claims 10-14 be entered and allowed.

U.S. Application No. 09/718,498

To the extent necessary, Applicant petitions for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 1156.43038TRN).

Respectfully submitted,

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